MEETING AGENDA OF THE CLEARFIELD CITY PLANNING COMMISSION

Notice is hereby given that the Clearfield City Planning Commission will hold a regularly scheduled meeting at 7:00 P.M., Wednesday, September 6, 2017, on the 3rd floor in the City Council Chambers of the Clearfield City Municipal Building, 55 S. State, Clearfield, Utah.

7:00 PM CALL TO ORDER-- PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: August 9, 2017

DECISION ITEMS

Public Hearings items:

1. Public Hearing, Discussion and Possible Action– ZD 1708-0002 (Zoning Determination). Mr. Rudy Rowe, has requested a hearing with the Planning Commission to ask for a determination of Clearfield City Code 11-13-17(B) regarding the casting or glare of lights from an adjacent building. Location: 325 West 1700 South suite 16 (TIN: 12-809-0002). Parcel Size: 0.682 acres. Zoning: C-2 (Commercial) Planner: Spencer W. Brimley. (Administrative Matter)


WORK SESSION ITEMS

1. Staff Communications and Training
2. Planning Commissioners’ Minute

**PLANNING COMMISSION MEETING ADJOURNED**

Dated this 26th day of August, 2017
/s/Spencer W. Brimley, Development Services Manager

The City of Clearfield, in accordance with the ‘Americans with Disabilities Act’, provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting accommodations for City sponsored public meetings, service programs, or events, should call Christine Horrocks at 525-2780, giving her 48 hours notice.

The Planning Commission Public Meeting is a public forum where the Planning Commission receives comment from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission’s agenda. In addition, it is where the Planning Commission takes action on these items. Action may be taken which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.
TO: Clearfield City Planning Commission

FROM: Spencer W. Brimley, MRED
Development Services Manager
Spencer.Brimley@clearfieldcity.org (801) 525-2785

REVIEW DATE: Wednesday, September 6, 2017

SUBJECT: Public Hearing, Discussion and Possible Action on a request allowed by Clearfield City Code 11-13-17, which regulates the casting or glare that may be caused by the installation of lights at any location within the City. The alleged violation is located at 325 West 1700 South #16 (TIN: 12-809-0002). The property is approximately 0.682 acres in size and lies in the Commercial (C-2) zoning district.

BACKGROUND
The Clearfield City Community Development Office has received multiple complaints from Rudy Rowe, the property owner residing at 302 West 1800 South. Specifically, Mr. Rowe has reported that the lighting from an adjacent commercial property, Tender Years Daycare (“TYD”), located at 325 West 1700 South, #16, is casting or glaring light across the fence/property line onto his property and into his home. Staff pursued remedies to the situation, encouraged the parties to work with each other, and ultimately made a determination in March 2017, that the lights should be lowered to a height not to exceed 10 feet and that they be properly shrouded and pointed in a downward direction. TYD followed the direction of the City’s March 2017 determination, and lowered the lights to 10 feet or less, placed shrouding on the lights in questions, and pointed said lights in a downward direction. Subsequent to the City’s March 2017 determination, and pursuant to Clearfield City Code 11-13-17(B), Mr. Rowe requested a hearing with the Planning Commission to make a determination of whether the lights located on the south end of the TYD building at 325 West 1700 South #16 are in violation of Clearfield City Code 11-13-17(B), which states:

“Glare: All lights shall be so designed, located, shielded and directed so as to prevent the casting or glare or direct light from artificial illumination upon surrounding property and public roadways.

Relevant Additional Information
- TYD has been in business at the location in question since 1996, and the Complainant has owned the home at 302 West 1800 South since at least 1996, but has not always lived in the home.
- Photographs provided to the City by Mr. Rowe substantiate that there were no lights on the southern face of the TYD building prior to 2012. From 1996 until 2012 TYD had neither requested lighting or been approved for lighting. The complainant has provided photos of the home that support this claim.
• According to records provided by TYD, the lights in question were installed in 2012 via a grant program from Rocky Mountain Power.

• October - November 2016 - The Zoning Administrator, along with other City staff, conducted multiple nighttime observations of the lights in question at TYD with the intent to observe any possible violation of 11-13-17(B).

• The original lighting configuration at TYD was never reviewed or approved by the City prior to installation, as required by Clearfield City Code 11-5-2. The original conditional use permit (CUP) approval for the daycare did not include a proposal for lights on the southern end of the TYD building. Moreover,

• City records demonstrate that no site plan was later proposed, submitted, or approved by the Clearfield City Planning Commission that included or proposed for lighting on the building, including the south end of the TYD building, as required by Clearfield City Code 11-5-2.

• December 2016 - The Zoning Administrator provided a notice of violation for the lighting to TYD. TYD was required to make application for an administrative site plan for the purpose of review of the lighting.

• March 2017 - The Zoning Administrator provided an analysis for the request and issued a determination with conditions. The Zoning Administrator’s determination concluded that lights must be no higher than 10 feet and must be shrouded to direct light down.

• June 2017 - Applicant provided shrouding for the lights and lowered them to a height that is not in excess of 10 feet. The Zoning Administrator met with TYD on site in the early morning hours (5 am) to verify compliance with stated conditions of approval from March of 2017.

• June 2017 - Based on compliance with the conditions of approval stated in the March 2017 administrative site plan letter, the Zoning Administrator issued approval for the lighting.

• July 2017 - Following issuance of an approval by the Zoning Administrator, Mr. Rowe contacted the Community Development office to obtain information regarding the decision on the TYD lighting.

• August 7, 2017 - Mr. Rowe met with staff to discuss the alleged violation of the lighting on, contending that the lighting is still casting/glaring into his home.

• August 8, 2017 - fees were paid and a request was made to allow the Planning Commission the opportunity to evaluate the alleged lighting violation. (See attachment).

DISCUSSION & ANALYSIS

The lighting regulations are set forth in Clearfield City Code 11-13-17, with two subsections. It is of important note, that subsection 11-13-17(A) provides an allowable maximum height of fifty (50’) from finished grade, but does not create an entitlement to the maximum.

Although the lighting in question has been reviewed by staff for consistency with Clearfield City Code 11-13-17(B), an adjacent owner can still make a request of the Planning Commission for a determination on the matter. The City was provided the opportunity to review the lighting after conditions of approval were addressed to determine whether the lighting in question is or is not consistent with Clearfield City Code 11-13-17. It was staff’s determination that the casting or glare had been properly mitigated to this point. However, Mr. Rowe has alleged the violation still exists and must be resolved in order for the lights to be in compliance with the above referenced code.
Additional Relevant City Code

Clearfield City Code 11-18-4(E) refers to site design as it relates to lighting. In accordance with Clearfield City Code 11-18-4(E) lighting should be consistent with the following requirements:

All exterior lighting shall provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be reduced to the minimum levels necessary for safety and security purposes. The use of motion sensors and timers is encouraged.

1. Lighting schemes should include coordinating parking, wall, and pedestrian scaled fixtures which complement building architecture and site features.
2. Sensitively placed low light landscape lighting that highlights a site's desirable features is encouraged.
3. All off street parking area lighting shall be designed and installed to meet the following minimum requirements:
   a. All light fixtures, including security lighting, shall be fully hooded or shielded and aimed and so that all direct illumination shall be confined to the property boundaries of the source. All motion sensing light fixtures shall be fully shielded and adjusted, according to the manufacturer's specifications, to turn off when detected motion ceases.
4. The following types of lighting shall be prohibited:
   a. Exposed bulb fixtures;
   b. Directional floodlights; and
   c. Excessive or intense lighting of any kind

All lighting should be provided in a manner that increases the aesthetics of the site and provides necessary safety and security.

COMMISSION DETERMINATION (ALTERNATIVES)

After careful consideration of the information presented and known to the Planning Commission, the Planning Commission should reach a well-reasoned and articulated determination as to the specific allegation that TYD is in violation of Clearfield City Code 11-13-17. As such, the City has provided the following two basic options as example determinations that may be modified or altered as the Planning Commission sees fit:

ALTERNATIVE 1
• After careful consideration of the information presented and known to the Planning Commission at this time, the Planning Commission reaches the following well-reasoned and articulated determination:
  o The Planning Commission concurs with the Zoning Administrator’s March 2017 determination that TYD is not in violation of Clearfield City Code 11-13-17.

ALTERNATIVE 2
• After careful consideration of the information presented and known to the Planning Commission at this time, the Planning Commission reaches the following well-reasoned and articulated determination:
  o The Planning Commission disagrees with the Zoning Administrator’s March 2017 determination that TYD is not in violation of Clearfield Code 11-13-17, and consistent with Mr. Rowe’s request, requires the following to occur in order for TYD to be in compliance with 11-13-17:
a. Disable the existing high intensity LED lights (2 each) on the south end of the TYD building, or

b. Replace the lights described in (a) above with low intensity wall pack, compact florescent (CFL) or sodium vapor wall pack lights (Amber) be installed to a height not exceed 5 feet, with equivalent brightness of a 40 watt bulb (410-470 Lumens).

ALTERNATIVE 3
In addition to the above two example determinations, the Planning Commission may also require mitigation not specifically suggested by Mr. Rowe. As such, the City provides the following proposed basic language to be included with specific alternative required actions of TYD to be in compliance with 11-13-17:

- After careful consideration of the information presented and known to the Planning Commission at this time, the Planning Commission reaches the following well-reasoned and articulated determination:
  - The Planning Commission disagrees with the Zoning Administrator’s March 2017 determination that TYD is not in violation of Clearfield Code 11-13-17, and requires the following to occur in order for TYD to be in compliance with 11-13-17:
    a. ___________________________________________________________
       ___________________________________________________________
       ___________________________________________________________
     ___________________________________________________________

ATTACHMENTS

1. Applicant request (email)
Mr. Brimley

Just to recap and to add a bit more specificity to my position as it relates, to the non compliance of the Clearfield City lighting code Section 11-13-17(B). Yes, you are correct and I fully concur with your summation, of our meeting. The owner of Tender Years Daycare (TYD) has been afforded numerous opportunities since Sept 2016 and has failed to execute the appropriate corrective actions to adhere to and comply with the said Lighting code 11-13-17(B) which currently allows for “zero tolerance “ of casting and glare. To date, the casting and glare is quite evident and can be clearly seen as the light is being reflected and casted from the source to my backyard and onto the interior walls of my house. Regardless of the past dated police reports they (TYD) may have in their possession, I strongly feel they are still obligated to comply with the existing city lighting code. Based on the foregoing, I am submitting the following solutions:

1. Firstly, Current existing High Intensity LED lights (2 each) on the South end of the TYD building, be disabled and immediately removed.

or

2. Secondly, Low intensity Wall Pack, Compact Florescent Lighting (CFL) or Sodium Vapor Wall Pack lights (Amber) be installed to a height not to exceed 5 feet, with equivalent brightness of a 40 watt bulb (410-470 Lumens).

My quality of life is currently being diminished as a result of their (TYD) incessant reluctance / refusal, to remove and replace, the existing high intensity bright lights, with low intensity non casting/glaring lights, so I’m therefore requesting the above solutions be granted without hesitation.

On 7 Aug 2017, at 12:05, Spencer Brimley<br/><Spencer.Brimley@clearfieldcity.org> wrote:

Mr. Rowe,

Thank you for your time today. I appreciate your willingness to come and meet with me about your concerns with the lighting at Tender Years Daycare and your property.

I am writing to make sure I have encapsulated your request. Please provide any further information or clarification necessary for this request.

From our conversation, I under that you believe the lights at Tender Years Daycare are out of compliance with 11-13-17(B) of the Clearfield City code and that they are casting and creating a glare on your residence, to the point of intrusion into your home. Additionally, you are requesting the lights be removed or the lights be replaced with a less intense light and be moved down to a height not to exceed 6 feet?

Please let me know if there is additional information you have for me that I can include with your request.
Regards,

Spencer W. Brimley  
Development Services Manager  
55 S. State Street  
Clearfield City, UT 84015  
Spencer.Brimley@clearfieldcity.org  
801-525-2785  
<image001.jpg>

We want your feedback!  
Click here and tell us how we are doing.

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TO: Clearfield City Planning Commission

FROM: James Shoopman, Planner

MEETING DATE: Wednesday, September 6th, 2017

SUBJECT: Public Hearing, Discussion, and Possible Action on CUP 1708-0006, a request by Shiekh Ahmed to amend a previously approved CUP for additional vehicle sales inventory in a C-2 zone, located at 245 North Main (TIN: 12-020-0012). The property is approximately 0.302 acres.

AGENDA ITEM: #2

PROJECT SUMMARY

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REQUEST
Applicant and property owner Mr. Shiekh Ahmed is requesting to amend a previously approved CUP to allow additional vehicle sales inventory at his place of business, A to Z Traders, located at 245 North Main St.

BACKGROUND
Vehicles sales at this location were approved by the Planning Commission in August 2015. The previous approval included a site plan that showed two (2) employee parking spaces and two (2) customer parking spaces with 15 stalls for sales inventory.

Mr. Ahmed subsequently applied to amend the original CUP to include shoe sales and eyebrow threading at the same site, in addition to vehicle sales, which Planning Commission approved with conditions in February 2016.
Utah law requires vehicle sales businesses to have a dedicated, exclusive entrance and office for vehicle sales, thus leading the applicant to return to a single use of vehicle sales at the site.

The parcel is approximately one-third (.302) of an acre and contains a 2400 sq ft commercial building. It is currently zoned and shown in the general plan as Commercial, and is surrounded by properties that are also zoned and intended for commercial uses.

The site is accessed on the east side of the property from Main Street and by two accesses from the north side (250 N).

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**PROPOSED SITE IMPROVEMENTS**

**Parking:** Clearfield City code 11-14-3 requires (1.5) spaces per 1,000 square feet of building size. The building is approximately 2,400 square feet.

The proposed plan shows (from east to west):
- (5) inventory stalls adjacent to Main St
- (4) inventory, (3) customer stalls (including (1) handicap stall) adjacent to the building front
- (6) inventory and employee stalls to the rear (west) of the building
- (2) inventory stalls north of and adjacent to the building

For a total of up to:
- 17 spaces for vehicle sales inventory
- (3) customer parking spaces, including (1) handicap stall
- Employee parking may be to the rear of the building and/or may park at the adjacent mosque through a shared parking agreement

**Site Circulation:** Proposed site circulation complies with minimum drive isle widths of 12’ for single lane, 24’ for two-way

An existing concrete pad to the rear (west of building) is shown to be cut and removed to allow for a 12’ drive isle as shown on the submitted site plan.

**Landscaping:** Clearfield City code 11-11b-12 requires 10% of a site within a C-2 zone to be landscaped.

The site currently contains 224 square feet of landscaping at the northeast corner of the site, which is 1.7% of the total site.

The applicant is proposing 441 additional square feet of landscaping at the front (Main St) of the lot and surrounding the building, as shown on the submitted site plan, which adds an additional 3.4% of landscaped area to the site.

This would allow the site to have a total of 665 square feet of landscaped area, which is 5% of the site. This is a 294% increase in landscaped area.

**Trash:** The applicant is proposing to relocate the trash dumpster from the rear of the building to the southwest corner of the lot, as shown on submitted site plan. This will remove the dumpster from the line of site of residential homes to the northwest.
PUBLIC COMMENT

No public comment has been received to date.

CONDITIONS OF APPROVAL

1) Striping for vehicle stalls, customer parking designation, and ADA parking and loading designation shall be installed/painted within (1) month of CUP approval

2) Additional landscaping shall be installed as shown on the submitted site plan as follows:
   a. Within three months of CUP approval
   b. Landscaped areas shall be protected with curbing or correctly installed pavers
   c. Landscaped areas shall have appropriate weed barrier material and ground cover such as rock or bark mulch
   d. Shrubs and other plants shall be appropriately sized and space to allow adequate coverage and space for growth and shall be drought tolerant
   e. Low lying shrubs/vegetation shall be installed adjacent to streets
   f. Applicant shall correctly reinstall existing planter pavers surrounding existing landscaped area at northeast corner of lot

3) Weeds shall be removed from entire site

4) No vehicle parts shall be stored on site

5) No vehicle sales inventory shall be parked/stored offsite

6) No auto repair shall be conducted on site, nor shall vehicles needing repair reside on the lot

7) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

RECOMMENDATIONS

Staff requests that Planning Commission APPROVE CUP 1708-0006, a request by Shiekh Ahmed to amend a previously approved CUP for additional vehicle sales inventory at 245 North Main (TIN: 12-020-0012), upon conditions as listed above